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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,155	01/22/1999	JOSHUA SUSSER	SUN-P3710	5107

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EXAMINER

OPIE, GEORGE L

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

09/235,155

Susser, et al.

Examiner

Art Unit

George L. Opie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 25-64 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ☐ is/are allowed.
- 6) ☒ Claim(s) 1 and 25-64 is/are rejected.
- 7) ☐ Claim(s) ☐ is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ☐ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ☐.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 7, 24, 26
- 17) ☐ Interview Summary (PTO-413) Paper No(s). ☐
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

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DETAILED ACTION

This Office Action is responsive to Amendment E, filed 19 March 2004, in which claims 1, 35, 37-43 and 45-49 were amended. Additional dependent claims 50-64 were added.

1. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. **Obviousness-type double patenting rejection**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.

See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Uogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

Terminal Disclaimer

3. A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the

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conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/235,156. Although the conflicting claims are not identical, they are not patentably distinct from each other because of corresponding language that recites many of the same elements and functions, i.e., "*a small footprint device*", "*at least one processing element configured to execute groups of one or more program modules in separate contexts said one or more program modules comprising zero or more sets of executable instructions and zero or more sets of data definitions, said zero or more sets of executable instructions and said zero or more data definitions grouped as object definitions, each context comprising a protected object instance space such that at least one of said object definitions is instantiated in association with a particular context*", "*a memory comprising instances of objects*", and "*a context barrier for separating, and isolating said contexts, said context barrier configured for controlling execution of at least one instruction of one of said zero or more sets of instructions comprised by a program module based at least in part on whether said at least one instruction is executed for an object instance associated with a first one of said one or more separate contexts*".

As to claims 25-64, the remaining claims in the instant Application are rejected on the same grounds as claim 1 above.

5. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/235,158. Although the conflicting claims are not identical, they are not patentably distinct from each other because of corresponding language that recites many of the same elements and functions, i.e., "*a small footprint device*", "*at least one processing element configured to execute groups of one or more program modules in separate contexts said one or more program modules comprising zero or more sets of executable instructions and zero or more sets of data definitions, said zero or*

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more sets of executable instructions and said zero or more data definitions grouped as object definitions, each context comprising a protected object instance space such that at least one of said object definitions is instantiated in association with a particular context", *"a memory comprising instances of objects"*, and *"a context barrier for separating, and isolating said contexts, said context barrier configured for controlling execution of at least one instruction of one of said zero or more sets of instructions comprised by a program module based at least in part on whether said at least one instruction is executed for an object instance associated with a first one of said one or more separate contexts"*.

6. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/235,159. Although the conflicting claims are not identical, they are not patentably distinct from each other because of corresponding language that recites many of the same elements and functions, i.e., *"a small footprint device"*, *"at least one processing element"*, *"memory"*, and *"a context barrier for isolating ... program modules"*.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1, 35, 37, 39-41, 43 and 45-49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 18, 22, 24 and 27-29 of application 09/235,157 that was filed January 22, 1999, now U.S. Patent 6,633,984.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of corresponding language that recites many of the same elements and functions claimed in the previously patented invention, i.e., *"a small footprint device"*, *"at least one processing element"*, *"memory"*, and *"a context barrier for isolating ... program modules"*.

The claimed differences would be obvious to an engineer of ordinary skill because the instant claims are mere variations of the claims recited in the previously patented invention, e.g., **independent claim 1 of the instant**

application claims:

A small footprint device comprising:

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at least one processing element configured to execute groups of one or more program modules in separate contexts said one or more program modules comprising zero or more sets of executable instructions and zero or more sets of data definitions, said zero or more sets of executable instructions and said zero or more data definitions grouped as object definitions, each context comprising a protected object instance space such that at least one of said object definitions is instantiated in association with a particular context;;

a memory comprising instances of objects;

a context barrier for separating, and isolating said contexts, said context barrier configured for controlling execution of at least one instruction of one of said zero or more sets of instructions comprised by a program module based at least in part on whether said at least one instruction is executed for an object instance associated with a first one of said one or more separate contexts and whether said at least one instruction is requesting access to an instance of an object definition associated with a second one of said one or more separate iv. context switching contexts.circuitry formed on the semiconductor chip, the context switching circuitry being connected to the selected registers and the context change signal lead, the context change switching circuitry connecting one of the pair of first and second registers, for each selected register, to hold the first data in response to the first state of the context change signal and connecting the other of the pair of first and second registers, for each selected register, to hold the second data in response to the second state of the context change signal.

as opposed to

A small footprint device comprising:

- A. at least one processing element;
- B. memory;

C. a context barrier for isolating one program module from at least one other program module using said memory and processing element, and

D. an entry point object for permitting one program module to access one other program module across said context barrier

as claimed in independent claim 1 of the previously patented invention.

Because the instant claims are mere variations/additions on the limitations from the set of elements and functions claimed in the previously patented invention, such modifications would be readily apparent to an engineer of ordinary skill.

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8. Contact Information:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about PAIR, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

- ☐ All responses sent by U.S. Mail should be mailed to:

**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**


- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

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- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
- ☐ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.


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SUPERVISORY PATENT EXAMINER
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